

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen Klumas on 01/25/2010.

The application has been amended as follows:

In claim 1,

- (i) line 5: insert the term --carrier-- prior to the phrase fluids; and;
- (ii) line 21: insert the term --carrier-- between the terms mixture of and fluids;

In claim 12,

- (i) line 2: insert the term --carrier-- between the terms mixture of and fluids;

In claim 15,

- (i) line 1: delete the phrase "carrier mixture" and insert the phrase --mixture of carrier fluids-- at the same position.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

- (1) Claims 1, 3-24 of the instant application are allowed.

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(2) Instant claim 1 is drawn to an anhydrous antiperspirant composition comprising:

- (a) a particulate aluminium and/or aluminum/zirconium antiperspirant active (from 0.5 % to 50 % by weight);
- (b) a water-immiscible carrier fluid or mixture of fluids (from 30 % to 95 % by weight); and
- (c) a thickener, gellant or structurant for the carrier fluid (from 0.1 % to 40 % by weight);

in which the carrier fluid comprises an aryl substituted siloxane having the formula: $R^1R^A_2Si-O-[SiR^2R^A-O]_n-SiR^3R^A_2$, wherein: (i) n is an average number of from 0 to 2; (ii) R^1 , R^2 and/or $R^3 = R^4$ or R^C (a capping group); wherein R^4 = diphenylethyl group and R^C is the group as recited therein; (iii) R^A = a methyl group;

with the proviso that not more than 20 % of the total occurrences of R^1 , R^2 and R^3 are R^C ;

and wherein at least 30 % by weight of the carrier fluid or mixture of fluids is the aryl substituted siloxane, and wherein the anhydrous antiperspirant composition is in the form of a cream, soft solid or stick.

(3) The instant invention has overcome the prior art of record (McGlone et al. and Chuah et al.) in that the instant claim recites the use of carrier fluid comprises a specific aryl substituted siloxane having the formula: $R^1R^A_2Si-O-[SiR^2R^A-O]_n-SiR^3R^A$ (which R^1 , R^2 and/or $R^3 = R^4$, wherein R^4 = **diphenylethyl** group and R^A = a methyl group). Although, the prior art teach the concept of matching the refractive index of the antiperspirant and the carrier fluid to produce a translucent or opaque antiperspirant

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formulation, they do not teach the use of said aryl substituted siloxane of formula 1:

$R^1R^A_2Si-O-[SiR^2R^A-O]_n-SiR^3R^A_2$ in an antiperspirant composition, as claimed.

Moreover, the reference of record Verbruggen et al. was previously cited as evident to teach the concept of incorporating refractive index modifying groups (phenyl groups) chemically bonded to a polysiloxane backbone via alkanediyl-bridge to produce a high refractive index siloxane copolymer; however, this reference is a non-analogous reference and is focud on the applications for optical lens and hair care products.

Therefore, it would not have been obvious for a person of ordinary skilled in the art to combine the teaching of the prior art, namely McGlone et al. and Chuah et al., to arrive at the instant invention because the prior art in combination do not suggest or teach the use of the aryl substituted siloxane of formula 1 in an antiperspirant composition, as instantly claimed. Therefore, the invention as a whole would not have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

(4) Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication from the Examiner should direct to Helen Mei-Ping Chui whose telephone number is 571-272-9078. The examiner can normally be reached on Monday-Thursday (7:30 am – 5:00 pm). If attempts to reach the

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examiner by telephone are unsuccessful, the examiner's supervisor Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either PRIVATE PAIR or PUBLIC PAIR. Status information for unpublished applications is available through PRIVATE PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PRIVATE PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/H. C./

Examiner, Art Unit 1616

/Johann R. Richter/

Supervisory Patent Examiner, Art Unit 1616